

**ASSEMBLY BILL**

**No. 1796**

---

**Introduced by Assembly Member Bermudez**

January 9, 2006

---

An act to amend Sections 2082, 2177, and 2221 of the Business and Professions Code, relating to physicians and surgeons.

LEGISLATIVE COUNSEL'S DIGEST

AB 1796, as introduced, Bermudez. Physician and surgeon's certificate.:

Existing law, the Medical Practice Act, creates the Medical Board of California and makes its Division of Licensing responsible for issuing a physician and surgeon's certificate to qualified applicants. Under the act, an applicant for a physician and surgeon's certificate is required to include specified information with his or her application and to obtain a passing score on the licensure examination. The act authorizes the division to deny an application and to issue a probationary license that is subject to conditions of probation.

This bill would require an applicant for a physician and surgeon's certificate to disclose information related to sexual misconduct or harassment and to obtain a passing score on a specified licensure examination within 4 attempts of taking it. The bill would authorize the Division of Licensing to require payment of the cost of monitoring as a condition of a probationary license and would specify that no applicant may reapply until 3 years after the date of the decision denying his or her application for a physician and surgeon's certificate.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 2082 of the Business and Professions Code is amended to read:

2082. Each application shall include the following:

(a) A diploma issued by an approved medical school. The requirements of the school shall have been at the time of granting the diploma in no degree less than those required under this chapter or by any preceding medical practice act at the time that the diploma was granted. In lieu of a diploma, the applicant may submit evidence satisfactory to the Division of Licensing of having possessed the same.

(b) An official transcript or other official evidence satisfactory to the division showing each approved medical school in which a resident course of professional instruction was pursued covering the minimum requirements for certification as a physician and surgeon, and that a diploma and degree were granted by the school.

~~Such other~~ *Other* information concerning the professional instruction and preliminary education of the applicant as the division may require.

(d) An affidavit showing to the satisfaction of the division that the applicant is the person named in each diploma and transcript that he or she submits, that he or she is the lawful holder thereof, and that the diploma or transcript was procured in the regular course of professional instruction and examination without fraud or misrepresentation.

(e) Either fingerprint cards or a copy of a completed Livescan form from the applicant in order to establish the identity of the applicant and in order to determine whether the applicant has a record of any criminal convictions in this state or in any other jurisdiction, including foreign countries. The information obtained as a result of the fingerprinting of the applicant shall be used in accordance with Section 11105 of the Penal Code, and to determine whether the applicant is subject to denial of licensure under the provisions of Division 1.5 (commencing with Section 475) and Section 2221.

*(f) Complete disclosure of information related to sexual misconduct or sexual harassment accusations made against the applicant, including the settlement or dismissal of the accusation.*

1 *Failure to comply with this subdivision is grounds for the denial*  
2 *of the application.*

3 SEC. 2. Section 2177 of the Business and Professions Code is  
4 amended to read:

5 2177. (a) A passing score is required for an entire  
6 examination or for each part of an examination, as established by  
7 resolution of the Division of Licensing.

8 (b) Applicants may elect to take the written examinations  
9 conducted or accepted by the division in separate parts.

10 (c) *An applicant shall obtain a passing score on Part III of the*  
11 *United States Medical Licensing Examination within four*  
12 *attempts of taking it in order to be eligible for issuance of a*  
13 *physician and surgeon's certificate.*

14 SEC. 3. Section 2221 of the Business and Professions Code is  
15 amended to read:

16 2221. (a) The Division of Licensing may deny a ~~physician's~~  
17 ~~physician and surgeon's license certificate to any an~~ applicant  
18 guilty of unprofessional conduct or of any cause that would  
19 subject a licensee to revocation or suspension of his or her  
20 license; or, the division in its sole discretion, may issue a  
21 probationary ~~license~~ *physician and surgeon's certificate* to an  
22 applicant subject to terms and conditions, including, but not  
23 limited to, any of the following conditions of probation:

24 (1) Practice limited to a supervised, structured environment  
25 where the licensee's activities shall be supervised by another  
26 physician and surgeon.

27 (2) Total or partial restrictions on drug prescribing privileges  
28 for controlled substances.

29 (3) Continuing medical or psychiatric treatment.

30 (4) Ongoing participation in a specified rehabilitation  
31 program.

32 (5) Enrollment and successful completion of a clinical training  
33 program.

34 (6) Abstention from the use of alcohol or drugs.

35 (7) Restrictions against engaging in certain types of medical  
36 practice.

37 (8) Compliance with all provisions of this chapter.

38 (9) *Payment of the cost of probation monitoring.*

1 (b) The Division of Licensing may modify or terminate the  
2 terms and conditions imposed on the probationary—~~license~~  
3 *certificate* upon receipt of a petition from the licensee.

4 (c) Enforcement and monitoring of the probationary  
5 conditions shall be under the jurisdiction of the Division of  
6 Medical Quality in conjunction with the administrative hearing  
7 procedures established pursuant to Sections 11371, 11372,  
8 11373, and 11529 of the Government Code, and the review  
9 procedures set forth in Section 2335.

10 (d) The Division of Licensing shall deny a—~~physician's~~  
11 *physician and surgeon's—license certificate* to an applicant who is  
12 required to register pursuant to Section 290 of the Penal Code.  
13 This subdivision does not apply to an applicant who is required  
14 to register as a sex offender pursuant to Section 290 of the Penal  
15 Code solely because of a misdemeanor conviction under Section  
16 314 of the Penal Code.

17 (e) *An applicant shall not reapply for a physician and*  
18 *surgeon's certificate for a minimum of three years from the*  
19 *effective date of the denial of his or her application.*